

**UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK**

MICHAEL D. LOCKWOOD and ALGONQUIN  
CAPITAL MANAGEMENT, LLC, a  
Connecticut Limited Liability Company,

Plaintiffs,

vs.

JOSEPH MACEDA,

Defendant.

Case No. 07-cv-07524 (HB)

**ORDER OF  
DISCONTINUANCE**

Hon. HAROLD BAER, JR., District Judge:

This cause having duly come on to be heard before me and the attorneys for all parties having advised the Court that all claims asserted herein are settled, it is hereby

ORDERED that the above entitled action be and hereby is discontinued without prejudice consistent with the settlement agreement between the parties, and that the action is discontinued without prejudice and without costs to either party, and it is hereby

ORDERED that any party may apply within 60 days to convert this discontinuance to a dismissal with prejudice pursuant to and after the first payment is delivered in full under the settlement agreement, and it is further

ORDERED that the Clerk of the Court is instructed to close any pending motions, close this case and remove it from my docket.

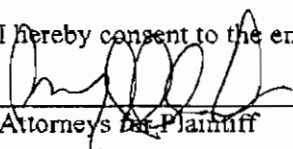
**SO ORDERED**

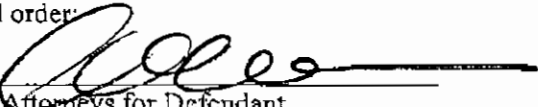
New York, New York

Dated: 8/20/08

  
U.S.D.J.

I hereby consent to the entry of this proposed order:

  
Attorneys for Plaintiff

  
Attorneys for Defendant